

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DISHOND M. DIGGS,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No.: 2:23-cv-02156-RFB-DJA

ORDER

(ECF No. 4)

On January 11, 2024, the Court denied Plaintiff Dishond M. Diggs's incomplete application to proceed *in forma pauperis* without prejudice and ordered Plaintiff to file a complete application to proceed *in forma pauperis* by March 11, 2024. (ECF No. 3). In response, Plaintiff has filed another incomplete application to proceed *in forma pauperis*. (ECF No. 4). Plaintiff's second application to proceed *in forma pauperis* is incomplete because **Plaintiff's financial certificate is incomplete, and he did not include an inmate trust fund account statement for the previous six-month period with the application**. The Court will deny Plaintiff's application without prejudice and give Plaintiff one final opportunity to correct these deficiencies **by April 15, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is

1 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
2 **inmate's prison or jail trust fund account statement for the previous six-month**
3 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
4 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
5 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff's second application to proceed *in forma pauperis* is
7 incomplete. The Court will therefore deny the application to proceed *in forma pauperis*
8 without prejudice and grant Plaintiff one final extension of time to either pay the filing fee
9 or file a new fully complete application to proceed *in forma pauperis*.

10 **II. CONCLUSION**

11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 4)
12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until April 15, 2024**, to either pay the full \$405
14 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
15 required documents: (1) a completed application with the inmate's two signatures on page
16 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
17 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
18 six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Dishond Diggs the approved
24 form application to proceed *in forma pauperis* for an inmate and instructions for the same.

25 DATED this 13th day of March 2024.

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27 _____
28 UNITED STATES MAGISTRATE JUDGE